

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

DOUGLAS HANDSHOE

PLAINTIFF

VS.

CIVIL ACTION NO. 1:15-cv-00113-KS-RHW

TORSTAR CORPORATION (DBA  
TORONTO STAR NEWSPAPERS LTD.)  
PETER EDWARDS

DEFENDANTS

**MOTION OF DEFENDANTS TORSTAR CORPORATION AND PETER EDWARDS TO  
DISMISS PLAINTIFF'S CIVIL COMPLAINT FOR DAMAGES**

Defendants Torstar Corporation and Peter Edwards (collectively, "Defendants") move to dismiss Plaintiff's Civil Complaint for Damages under Fed. R. Civ. P. 12(b)(2) for lack of personal jurisdiction. Alternatively, Defendants move to dismiss the Complaint under Fed. R. Civ. P. 12(b)(6) because the content of the subject article demonstrates that it is protected by Mississippi's official report privilege and because Plaintiff failed to comply with the Mississippi retraction demand statute as required by Miss. Code § 91-1-5. In support of this Motion, Defendants state:

1. Plaintiff is a resident citizen of Hancock County, Mississippi. Compl., at ¶ 1. He owns Slabbed New Media, LLC and publishes an online weblog at [www.slabbed.org](http://www.slabbed.org) in Mississippi. *Id.*

2. Defendant Torstar Corporation is a Canadian company whose subsidiary operates an online news site titled *The Toronto Star* in Canada. Compl. at ¶¶ 2, 13. Defendant Peter Edwards is a reporter for *The Toronto Star*, and he is a resident of Canada. *Id.* at ¶ 3.

3. Plaintiff alleges the Defendants are subject to personal jurisdiction in Mississippi because "Defendants intentionally caused harm to Plaintiff Handshoe in Mississippi via publication of the defamatory content of a story dated February 24, 2014." Compl. at ¶ 5.

Specifically, Plaintiff takes issue with an article that reported on a Canadian Court's decision which appeared on *The Toronto Star's* website titled "Nova Scotia Couple Wins Copyright Lawsuit against Homophobic U.S. Blogger." *Id.* at ¶ 13.

4. Plaintiff's Complaint should be dismissed because the Court lacks personal jurisdiction over Canadian Defendants being sued for an article published on a Canadian website concerning a Canadian Court's decision.

5. In the alternative, Plaintiff's Complaint should be dismissed because the subject article fairly describes the Canadian Court's decision and is protected by Mississippi's official report privilege

6. In the further alternative, Plaintiff's Complaint should be dismissed because Plaintiff did not give written notice to Defendants at least 10 days before filing suit as required by Miss Code § 91-1-5 and the applicable statute of limitations, Miss Code § 15-1-35, bars any attempt to refile it.

7. In support of this Motion, Defendants rely upon the pleadings in this action, their concurrently filed Memorandum of Law, and the following exhibits:

Exhibit A: Declaration of Kathy English on behalf of Torstar Corporation; and

Exhibit B: Declaration of Peter Edwards.

**WHEREFORE**, Defendants pray that the Court will dismiss Plaintiff's Complaint for lack of personal jurisdiction or, in the alternative, because the subject article is protected by Mississippi's official report privilege and because Plaintiff failed to comply with the Mississippi retraction demand statute. The Defendants also request any further, general or specific relief as may be deemed appropriate.

Respectfully submitted this 26th day of June, 2015.

DEFENDANTS TORSTAR CORPORATION  
AND PETER EDWARDS

By: s/Robert C. Galloway

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**CERTIFICATE OF SERVICE**

I, Robert C. Galloway, one of the attorneys for the Defendants, hereby certify that I have this date electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following counsel for record:

Douglas Handshoe  
214 Corinth Drive  
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***Pro Se Plaintiff***

So certified, this 26th day of June, 2015.

*s/Robert C. Galloway*

ROBERT C. GALLOWAY

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